

## Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 PM-04 SS-15 SP-02 EUR-12 CIAE-00 INR-07

NSAE-00 MMO-01 L-03 ACDA-07 /060 W

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R 091405Z JUL 76

FM AMEMBASSY NAIROBI

TO USCINCEUR VAIHINGEN GERMANY

INFO SECSTATE WASHDC 0980

SECDEF WASHDC

MAAG ADDIS ABABA ETHIOPIA

CSAF WASHDC//LGF//

C O N F I D E N T I A L SECTION 1 OF 2 NAIROBI 7135

E.O. 11652: GDS

TAGS: MASS, KE, US

SUBJECT: TERMS OF REFERENCE FOR SECURITY ASSISTANCE PERSONNEL IN  
KENYA

REF: (A) USCINCEUR ECJ4/7 10898 DTG 181306Z JUN 76 (NOTAL)

1. THIS MESSAGE RESPONDS TO USCINCEUR REQUEST (REF A)  
FOR INPUT CONCERNING TERMS OF REFERENCE WHICH WOULD  
APPLY TO ANY MILITARY LIAISON OFFICE ESTABLISHED IN  
NAIROBI TO HANDLE SECURITY ASSISTANCE FUNCTIONS. WE  
ARE GIVING IT SOMEWHAT WIDER DISTRIBUTION THAN CINCEUR  
MSG SINCE QUESTION IS ONE OF ESTABLISHING NEW OFFICE  
RATHER THAN RE-DEFINING FUNCTIONS OF EXISTING OFFICE.

2. THE EMBASSY CONCURS IN EUCOM'S RECOMMENDATION THAT  
A LIAISON OFFICE CONSISTING OF TWO OFFICERS AND ONE  
ENLISTED MAN BE ESTABLISHED IN NAIROBI, AS AN INTEGRAL  
PART OF THE EMBASSY, TO HANDLE SECURITY ASSISTANCE  
FUNCTIONS. PROPOSED DATE OF OCTOBER 1 IS ACCEPTABLE.  
ALTHOUGH USAF SURVEY TEAM HAS RECOMMENDED THAT LIAISON  
OFFICE BE MANNED BY THREE OFFICERS--ONE EACH FOR TRAIN-  
ING, OPERATIONS, AND MAINTENANCE/SUPPLY--WE BELIEVE  
OPERATIONS OFFICER COULD ASSUME BOTH OPERATIONS AND  
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TRAINING RESPONSIBILITY WITH CLERICAL ASSISTANCE OF

ONE ENLISTED MAN. WE ARE FLEXIBLE ON THIS POINT, SO LONG AS TOTAL MANNING DOES NOT EXCEED THREE INDIVIDUALS. USAF HAS RECOMMENDED THAT OPERATIONS OFFICER AND MAINTENANCE/SUPPLY OFFICER BE OF RANK OF MAJOR, WHILE TRAINING OFFICER COULD BE OF CAPTAIN RANK. THIS APPEARS SUITABLE IN LIGHT OF LEVEL OF RESPONSIBILITY AND LEVEL OF KENYAN COUNTERPARTS. WE BELIEVE IT WOULD BE UNWISE TO ASSIGN OFFICER OF LT.COL. RANK. OFFICERS IN LIAISON OFFICE WOULD HAVE STATUS OF DIPLOMATIC OFFICERS OF THE EMBASSY, ENJOYING FULL DUTY-FREE PRIVILEGES AND DIPLOMATIC IMMUNITIES, ALTHOUGH THEIR NAMES WOULD HAVE SAME STATUS AS AMERICAN STAFF EMPLOYEES OF EMBASSY; I.E., DUTY-FREE ENTRY FOR HOUSEHOLD GOODS AND AUTOMOBILE WITHIN FIRST THREE MONTHS AFTER ARRIVAL, RIGHT TO PARTICIPATE IN EMBASSY GROUP ORDERS FOR CONSUMABLES FROM ABROAD, RIGHT TO BUY DUTY-FREE CIGARETTES AND LIQUOR IN LIMITED QUANTITY THROUGH EMBASSY GROUP FACILITY.

3. IN ADDITION TO THREE-MAN LIAISON OFFICE ATTACHED TO EMBASSY, WE ANTICIPATE EXTENDED PRESENCE OF CIVILIAN TECHNICIANS FROM NORTHROP AND GENERAL ELECTRIC AS WELL AS USAF TECHNICAL PERSONNEL TO ASSIST KENYANS IN BRINGING PLANES INTO SERVICE. THERE MAY ALSO BE SPECIALIZED USAF PERSONNEL HERE ON TDY FROM TIME TO TIME. SERVICES OF THESE CIVILIANS AND USAF TECHNICIANS WOULD BE PAID FOR BY GOK MINISTRY OF DEFENSE UNDER LOA FOR F-5E'S, AND WE WOULD ENVISAGE THEIR STATUS AS BEING ANALOGOUS TO THAT OF EXPATRIATES UNDER CONTRACT TO OTHER KENYAN MINISTRIES. THEY WOULD NOT ENJOY DIPLOMATIC STATUS OR RIGHT OF FREE ENTRY, EXCEPT FOR FIRST ENTRY OF HOUSEHOLD GOODS AND AUTOMOBILE WITHIN THREE MONTHS OF ARRIVAL. ARRANGING FOR INITIAL FREE-ENTRY PRIVILEGES, AS WELL AS ASSISTANCE WITH HOUSING AND OTHER LOGISTICS, WOULD BE THE RESPONSIBILITY OF KENYAN MINISTRY OF DEFENSE, NOT THE EMBASSY. AT ITS DISCRETION, MINISTRY OF DEFENSE MIGHT MAKE AVAILABLE CERTAIN PX PRIVILEGES AT KENYA AIR FORCE FACILITIES.

4. WITH REGARD TO TERMS OF REFERENCE FOR LIAISON GROUP ATTACHED TO EMBASSY, WE PROPOSE THAT IT CARRY OUT FOL-  
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LOWING RESPONSIBILITIES (FROM LIST PROVIDED BY USCINCEUR):

A. PROVIDE ADVICE AND ASSISTANCE TO CHIEF OF U.S. DIPLOMATIC MISSION.

B. CONSISTENT WITH (VARIOUS DOD GUIDELINES), DEVELOP SECURITY ASSISTANCE PLANS AND PROGRAMS IN COORDINATION WITH OTHER ELEMENTS OF THE COUNTRY TEAM FOR SUBMISSION TO THE UNIFIED COMMAND.

C. ASSIST THE HOST GOVERNMENT IN ARRANGING FOR PURCHASE OF DEFENSE ARTICLES AND SERVICES UNDER EXISTING FMS AGREEMENTS (BUT NOT COMMERCIAL SALES).

D. ASSIST THE DSAA, THE MILITARY DEPARTMENTS, AND THE EMBASSY, AS REQUESTED, IN CARRYING OUT FMS NEGOTIATIONS WITH THE HOST GOVERNMENT.

E. ASSIST U.S. MILITARY DEPARTMENTS AND THEIR SUBORDINATE ELEMENTS IN ARRANGING FOR THE RECEIPT, TRANSFER AND ACCEPTANCE OF SECURITY ASSISTANCE MATERIEL, TRAINING AND OTHER SERVICES FOR RECIPIENT COUNTRIES.

F. KEEP THE ASD(ISA), DSAA, JCS, UNIFIED COMMANDS AND MILITARY DEPARTMENTS, AS APPROPRIATE, INFORMED OF SECURITY ASSISTANCE ACTIVITIES IN COUNTRY.

G. ESTABLISH AND MAINTAIN A RELATIONSHIP OF MUTUAL TRUST AND CONFIDENCE WITH THE HOST COUNTRY'S MILITARY ESTABLISHMENT, PARTICULARLY WITH THE ELEMENTS DIRECTLY INVOLVED IN U.S. SECURITY ASSISTANCE ACTIVITIES.

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ACTION AF-08

INFO OCT-01 ISO-00 PM-04 SS-15 SP-02 EUR-12 CIAE-00 INR-07

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R 091405Z JUL 76

FM AMEMBASSY NAIROBI

TO USCINCEUR VAIHINGEN GERMANY

INFO SECSTATE WASHDC 981

SECDEF WASHDC

CHMAAG ADDIS ABABA ETHIOPIA

CSAF WASHDC //LGF//

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5. THE FOREGOING LIST INCORPORATES SOME RESPONSIBILITIES THAT USCINCEUR FEELS COULD NOT BE PERFORMED BY LIAISON GROUPS BECAUSE OF INADEQUATE STAFFING. HOWEVER, IF THESE FUNCTIONS ARE NOT ASSUMED BY LIAISON GROUP, WE WOULD SEE LITTLE OR NOT POINT IN ESTABLISHING AN OFFICE TO HANDLE SECURITY ASSISTANCE RESPONSIBILITIES. SPECIFICALLY, IT WOULD BE ESSENTIAL FOR THE LIAISON GROUP TO HANDLE RESPONSIBILITIES OUTLINED UNDER PARAGRAPHS C, D AND E ABOVE.

6. AT THE SAME TIME, WE HAVE EXCLUDED FROM THE PROPOSED TERMS OF REFERENCE CERTAIN RESPONSIBILITIES PROPOSED BY USCINCEUR IN REF MSG. COMMENTS ON THESE POINTS FOLLOW:

A. THE EMBASSY DOES NOT BELIEVE IT IS APPROPRIATE FOR A SECURITY ASSISTANCE LIAISON OFFICE TO REPRESENT THE U.S. SECRETARY OF DEFENSE WITH THE HOST COUNTRY'S MILITARY ESTABLISHMENT, NOR TO SERVE AS THE LIAISON CHANNEL BETWEEN THE U.S. DEFENSE ESTABLISHMENT AND THAT OF THE HOST COUNTRY ON MATTERS OUTSIDE THE SCOPE OF EXISTING SECURITY ASSISTANCE PROGRAMS. THE KENYAN GOVERNMENT INSISTS ON CIVILIAN CONTROL OF THE MILITARY FORCES, AND IT EXPECTS THAT LIAISON WITH FOREIGN COUNTRIES WILL IN THE FIRST  
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INSTANCE BE CARRIED OUT AT THE MOD CIVILIAN LEVEL -- WHICH THE EMBASSY AND GOK BOTH BELIEVE IS PROPERLY DONE BY DIPLOMATIC OFFICERS OF THE EMBASSY. THIS WOULD NOT RULE OUT DAY-TO-DAY CONTACTS ON ONGOING PROGRAMS BETWEEN THE LIAISON GROUP AND ELEMENTS OF THE KENYAN FORCES, BUT THE PRIMARY RESPONSIBILITY TO REPRESENT UNITED STATES INTERESTS, INCLUDING THOSE OF THE DEPARTMENT OF DEFENSE, WITH THE KENYAN DEFENSE ESTABLISHMENT WOULD REMAIN WITH THE AMBASSADOR AND DIPLOMATIC OFFICERS HE DESIGNATES.

B. EMBASSY BELIEVES RESPONSIBILITIES FOR ACTING AS CHANNEL OF COMMUNICATIONS BETWEEN ASD(I&L) AND HOST GOVERNMENT ON PRODUCTION AND OTHER LOGISTICAL MATTERS, AND BETWEEN DIRECTOR DR&E AND HOST GOVERNMENT ON RESEARCH AND DEVELOPMENT, ARE PROBABLY NOT APPLICABLE IN KENYA. IF NEED SHOULD ARISE, EMBASSY WOULD WISH TO EXAMINE SITUATION AT THAT TIME TO DETERMINE PREFERRED CHANNEL OF COMMUNICATIONS.

C. IT WOULD BE UNDERSTOOD THAT FUNCTIONS OF SECURITY ASSISTANCE LIAISON OFFICE DO NOT INCLUDE ANY ACTIVITIES IN CONNECTION WITH VISITS OF U.S. NAVY SHIPS OR PATROL PLANES TO KENYA.

7. IN JUSTIFICATION OF THE NEED FOR A SECURITY ASSISTANCE LIAISON GROUP AND THE TERMS OF REFERENCE PROPOSED ABOVE, EMBASSY WISHES TO EMPHASIZE THAT KENYA IS A NON-ALIGNED COUNTRY IN WHICH MAXIMUM DISCRETION MUST BE USED TO AVOID CREATING EITHER THE FACT OR THE APPEARANCE OF A DEFENSE ALLIANCE. IT IS A COUNTRY WHICH NEEDS MODERN EQUIPMENT TO RECTIFY SERIOUS MILITARY IMBALANCE VIS-A-VIS ITS NEIGHBORS, BUT ITS PRIMARY GOAL HAS BEEN AND REMAINS ECONOMIC DEVELOPMENT AND THE U.S. SHOULD NOT STIMULATE MILITARY EXPENDITURES BEYOND THOSE CONSIDERED ESSENTIAL BY THE KENYANS. PRIMARY NEED FOR A SECURITY ASSISTANCE LIAISON OFFICE AT THIS TIME IS TO ENSURE THAT KENYANS DO NOT BECOME DISILLUSIONED WITH HUGE OUTLAY OF MONEY ON SOPHISTICATED AIRCRAFT ACQUIRED UNDER FMS CREDIT FROM U.S. OBJECTIVES OF LIAISON GROUP SHOULD BE TO FACILITATE  
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DELIVERY AND MASTERY OF F-5E SQUADRON.

8. THIS MESSAGE IS BEING SENT FOR INFO TO MAAG ETHIOPIA, WHOSE COMMENTS ARE WELCOME. EMBASSY APPRECIATES WILLINGNESS OF MAAG ETHIOPIA TO CONTRIBUTE TO SUCCESS OF SECURITY ASSISTANCE PROGRAMS IN KENYA. HOWEVER, UNCERTAIN INTERNAL SITUATION IN ETHIOPIA, UNRELIABLE TELEPHONE COMMUNICATIONS AND UNPREDICTABLE POLITICAL RELATIONS BETWEEN KENYA AND ETHIOPIA AS LATTER COUNTRY BECOMES MORE IDEOLOGICALLY RADICALIZED, ALL ARGUE FOR AN INDEPENDENT LIAISON GROUP IN NAIROBI, WITH ONLY FALLBACK SUPPORT FROM MAAG ETHIOPIA.  
MARSHALL

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